

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**MARCUS EDWARD PHILLIPS,
as Administrator of the Estate of
Susie Lucille Phillips, deceased,**

Plaintiff,

v.

CITY OF OPP, ALABAMA, et al.,

Defendants.

Case No. 2:05-cv-934-T

MOTION TO DISMISS, TO STRIKE, AND TO LIMIT DISCOVERY

Pursuant to Federal Rules of Civil Procedure 12, sections (b)(6) and (f), defendants City of Opp, Alabama, Officer Jason C. Blue, Officer David Harrell, and Chief Bill Shaw make a motion to dismiss the complaint with prejudice, to strike certain impertinent damages claims, and to limit discovery to immunity issues. This motion is based upon the supporting memorandum filed under a separate docket entry.

/s/ James H. Pike

James H. Pike (PIK003)
Attorney for Defendants
City of Opp, Alabama, Jason C. Blue,
David Harrell, and Bill Shaw

OF COUNSEL:

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CERTIFICATE OF SERVICE

I, James H. Pike, certify that on October 23, 2005, I electronically served a copy of this document on:

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/s/ James H. Pike

James H. Pike